

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAVEL TAYLOR,

Movant,

- against -

UNITED STATES OF AMERICA,

Respondent.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 2/13/14

ORDER

14 Civ. 165 (PGG)

11 Cr. 310 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

Pro se Movant Javel Taylor, who is currently incarcerated at the Beckley Federal Correctional Institution in Beaver, West Virginia has filed a motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. On December 1, 2011, after a three-day jury trial, Taylor was convicted of (1) conspiring to distribute, and possess with intent to distribute, crack cocaine, and (2) distributing and possessing with intent to distribute crack cocaine. Judgment was entered on November 28, 2012, and Taylor was sentenced to 84 months imprisonment on both counts to run concurrently. (Cr. Dkt. No. 70) Taylor now challenges his sentence on grounds of ineffective assistance of counsel. (Civ. Dkt. No. 1)

I conclude that it is not appropriate to summarily dismiss the motion.

Accordingly, the Clerk of Court is directed to notify the Criminal Division of the U.S. Attorney's Office for the Southern District of New York that this Order has been issued.

The U.S. Attorney's Office shall use its best efforts to file a notice of appearance by February 27, 2014. Within sixty days of filing a notice of appearance, Respondent shall file an answer or other response to the motion, along with transcripts of any relevant proceedings not already contained in the record. Unless Respondent obtains an extension of time from the Court,

it shall file an answer or other pleadings in response to the motion no later than ninety days from the date of this order.

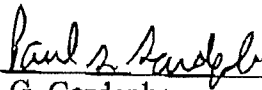
Movant shall have thirty days from the date on which Movant is served with Respondent's answer to file a response. The motion will be considered fully briefed as of that date.

Movant is advised that the Pro Se Office at the United States Courthouse, 500 Pearl Street, Room 200, New York, New York 10007, telephone: (212) 805-0175, may be of assistance in connection with court procedures.

The Clerk of the Court is respectfully directed to mail a copy of this Order to pro se Movant Javel Taylor, 64868-054, FCI Beckley, Federal Correctional Institution, P.O. Box 350, Beaver, WV, 25813.

Dated: New York, New York
February 13, 2014

SO ORDERED.



Paul G. Gardephe
United States District Judge